

CHAPTER 5 SANITARY AND PHYTOSANITARY MEASURES

ARTICLE 5.1: OBJECTIVES

The objectives of this Chapter are to:

- (a) protect human, animal and plant life or health in the territory of each Party while facilitating trade between them, subject to the scope of implementation of this Chapter, and
- (b) ensure that the Parties' sanitary or phytosanitary measures do not create unjustified barriers to trade.

ARTICLE 5.2: DEFINITIONS

For the purposes of this Chapter:

sanitary or phytosanitary measure means any measure referred to in Annex A, paragraph 1 of the SPS Agreement.

ARTICLE 5.3: SCOPE

This Chapter applies to all sanitary and phytosanitary measures that may, directly or indirectly, affect trade between the Parties.

ARTICLE 5.4: GENERAL PROVISIONS

The Parties reaffirm their rights and obligations under the *SPS Agreement* and incorporated it into this Agreement.

ARTICLE 5.5: SPS CONTACT POINTS

1. For the purpose of facilitating communication on sanitary or phytosanitary trade-related matters, the Parties establish the following Contact Points:

- (a) for Israel, the *Ministry of Economy and Industry, Foreign Trade Administration*; and
- (b) for Panama, *National Directorate for International Trade Agreement Administration and Commercial Defense of the Ministry of Commerce and Industries (Dirección Nacional de Administración de Tratados Comerciales*

Internacionales y Defensa Comercial del Ministerio de Comercio e Industrias),

or their successors.

2. For the purpose of implementing the provisions of this Chapter, the Parties agree to share information related to competent authorities of each Party with responsibility for sanitary or phytosanitary measures, listed in Annex 5-A.

ARTICLE 5.6: COOPERATION

The Parties shall endeavour to enhance the relationship between the Parties' competent authorities with responsibility for sanitary and phytosanitary matters. For this purpose, competent authorities shall:

- (a) communicate on sanitary and phytosanitary matters with a view to enhancing regulatory cooperation; and
- (b) promote cooperation on matters related to the implementation of the SPS Agreement, and in relevant international standard-setting bodies such as the *Codex Alimentarius Commission*, the *International Plant Protection Convention* (IPPC), and the *World Organization for Animal Health* (OIE), as appropriate.

ARTICLE 5.7: EXCHANGE OF INFORMATION

1. The Parties shall exchange information on proposed or actual sanitary or phytosanitary measures which affect or may likely to affect trade between them and relating to each Party's sanitary and phytosanitary regulatory system, including as extensible as possible the scientific and risk assessment basis for sanitary or phytosanitary measures as well as with respect to policies and procedures for the determination of equivalence.

2. The parties shall exchange information:

- (a) on results of import checks in case of rejected or non-compliant consignments, including the epidemiological findings, scientific basis and risk assessment basis concerning such rejections; and
- (b) upon request, the results of audits and the results of on-site verification procedures as they relate to trade between the Parties.

ARTICLE 5.8: TECHNICAL CONSULTATIONS

1. The Parties will work expeditiously to address any specific sanitary and phytosanitary trade-related issue and will commit to carry out the necessary technical level discussions in order to resolve it.
2. At any time, a Party may raise a specific sanitary and phytosanitary issue to the other Party through the Competent Authorities as referred to in Annex 5-A of this Chapter and in coordination with the Contact Points, and may request additional information related to the issue. The responding Party shall respond to the exporting Party's request in a timely manner.
3. If an issue is not resolved through the information exchanged under Article 7 and paragraph 2, upon request of either Party through its Contact Point, the Parties shall meet in a timely manner to discuss specific sanitary and phytosanitary issues, to avoid a disruption in trade and reach a mutually acceptable solution. The Parties shall meet either in person or using available technological means. If a face to face meeting is required, the Party requesting the meeting shall travel to the territory of the other Party in order to discuss specific sanitary and phytosanitary issues, unless otherwise agreed.

ARTICLE 5.9: EMERGENCY MEASURES

1. Emergency measures imposed by an importing Party shall be notified to the other Party one (1) working day after the implementation of the decision, and the consults between the competent authorities shall be held upon request within ten (10) days after the date of the notification. The Parties shall consider any information provided through such consultations.
2. The importing Party shall consider information provided, in a timely manner, by the exporting Party when making decisions with respect to consignments that, at the time of adoption of emergency measures, are being transported between the Parties

ARTICLE 5.10: OVERSIGHT BODY

After making every effort to resolve sanitary and phytosanitary issue under Article 5.8, either Party may bring the sanitary and phytosanitary issue to the Committee on Trade in Goods as established in Article 2.15 (Committee on Trade in Goods) for further consideration, as appropriate.